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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LA CLINICA DE LA RAZA, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, *et al.*,

Defendants.

Case No. 19-cv-4980 (PJH)

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report in this case challenging a Department of Homeland Security rule titled “Inadmissibility on Public Charge Grounds.” As Defendants reported previously, on February 2, 2021, the President issued an Executive Order addressing issues pertinent to this action, titled Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans. The Executive Order directs heads of relevant agencies, including the Secretary of Homeland Security, to review agency actions related to implementation of the public charge ground of

inadmissibility, 8 U.S.C. § 1182(a)(4)(A), in light of the policy set forth in the Executive Order and certain other considerations. The order gives the Secretary of Homeland Security 60 days, or until April 3, 2021, to report any appropriate agency actions that can be taken, or have been taken, to address concerns about the current public charge policies' effect on the integrity of the Nation's immigration system and public health. In Defendants' prior notice, Defendants proposed filing a joint status report by February 19, after conferring with Plaintiffs about the Executive Order.

Defendants report that, pursuant to the Executive Order, the Department of Homeland Security is currently reviewing the rule that is the subject of this lawsuit. The parties will promptly notify the Court of any decisions arising from that review that may impact this litigation.

In addition, Plaintiffs report that, unless and until Defendants' actions obviate the need to affirmatively pursue relief from the public charge rule, Plaintiffs intend to file a motion for summary judgment on their claims alleging that Kevin McAleenan was invalidly serving as Acting Secretary of the Department of Homeland Security and therefore lacked authority to issue the public charge rule. The parties have conferred about a briefing schedule for the motion and respectfully propose the following schedule:

Deadline for Plaintiffs' motion for summary judgment	March 8, 2021
Deadline for Defendants' opposition to Plaintiffs' motion	April 9, 2021
Deadline for Plaintiffs' reply in support of motion	April 23, 2021

The parties have intentionally structured this schedule so that briefing will not be complete until after the conclusion of the review process arising out of the Executive Order described above, so that the parties can inform the Court of any agency decisions that may impact this litigation before the Court expends resources deciding the summary judgment motion.

1 Dated: February 19, 2021

Respectfully submitted,

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